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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,845	03/21/2001	Masanobu Kanazawa	826.1712/JDH	1450

21171 7590 03/24/2006

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EXAMINER

CUFF, MICHAEL A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/812,845

Applicant(s)

KANAZAWA, MASANOBU

Examiner

Michael Cuff

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-3, 7 and 8 objected to because of the following informalities: Newly added limitation, "of a shopping site" should be --of the shopping site--. The has been done in claim one for "a commodity selling system". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, 15-17 and 19-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by King et al. King et al disclose a system for ordering items from an electronic catalogue including a public catalogue 106 (first network address) and a private catalogue 110 (second network address) for selling items at special prices to special groups that have volume purchase agreements or corporate contract discounts or are special trading partners, see col. 4, lines 15-25.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Kepecs.

King et al disclose a system for ordering items from an electronic catalogue including a public catalogue 106 and a private catalogue 110 for selling items at special prices to special groups that have volume purchase agreements or corporate contract discounts or are special trading partners, see col. 4, lines 15-25. King et al also disclose in col. 5, lines 6-10 that customer access control is used to inhibit or permit access to particular databases. However, King et al do not disclose the particular access control of judging if a customer is a member of a particular group based upon an address or > route used by the customer to gain access. Kepecs discloses in col. 9, lines 35-63 that identification keys used to gain access to special promotions may include the address of the customer or the e-mail address of the customer or various other personal identification information. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kepecs that any personal information may be used as part of the access control disclosed in King et al.

5. Claims 9-14 and 18 are rejected under 35 U.S.C. 103(a) as being system for ordering items from an electronic catalogue including a public catalogue 106 and a private catalogue 110 for selling items at special prices to special groups that have volume purchase agreements or corporate contract discounts or are special trading partners, see col. 4, lines 15-25. King et al also disclose in col. 5, lines 6-10 that

customer access control is used to inhibit or permit access to particular databases.

However, King et al do not disclose a certification information storage unit for storing information for certifying a constituent member of a particular group. Kepecs discloses in col. 9, lines 16-27 a key database for storing identification information for each of the customers that allows the customers to gain access to the system. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Kepecs to maintain a database of customer identification information in the system of King et al to be used as part of the access control disclosed in King et al.

### ***Response to Arguments***

6. Applicant's arguments filed 10/05/05 have been fully considered but they are not persuasive.

Applicant asserts that King et al. does not meet the limitation "judging whether a customer is a constituent member of a group based on a network address". This should not be in quotes because it is not a quote of the claim language. See claims. Aside from leaving other parts out the claim language actually reads, "... based on a network address accessed by the customer; ...". This ending phrase is important because it allows the rest of the system to know or judge that those at that address are members because they have already accessed the site. This meets the inherency standard.

Applicant asserts that a user could have a "cookie" or temporary pass to allow access without being a "member" and therefore the King reference cannot inherently or necessarily judge membership by accessing the private address. The examiner does

not concur. The King system does not disclose temporary or guest feature; therefore it is inherent that if one is at the private address, the system judges them as a member. Additionally, the process of "judging" is forming an opinion, which does not have to be correct. The King system and applicant's invention could judge a user who borrows a member's ID and password to be a member, even if they are not. The inherency standard has been met.

Applicant asserts that the examiner has conflicting statements regarding "judging" in claims 1 and 5. The examiner does not concur. Please re-read the actual claims and note the differences.

Applicant asserts that King does not disclose "a network address of a shopping site". The examiner does not concur. The supplier's network address meets this limitation.

Applicant asserts that Kepec fails to judge if a user is a member. This argument has been addressed above. If the user has access to the private catalog or address, the system judges them to be a member.

The examiner is considering the use of an ID and password to access a private address or catalog meeting the limitation of "certifying".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michael Cuff 3/17/06*

Michael Cuff  
March 17, 2006